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U.S. SMALL BUSINESS ADMINISTRATION,
as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

Plaintiff(s),

v.

HIGH GROWTH MANAGEMENT, LTD.,

Defendant(s).

NO. C07-03735 JL

**REQUEST TO ENTER DEFAULT BY
CLERK PURSUANT TO F.R.C.P. 55**

Hon. James Larson

TO THE HONORABLE COURT AND ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

Plaintiff, U.S. SMALL BUSINESS ADMINISTRATION, as Receiver for PROSPERO
VENTURES, L.P. (hereinafter "Plaintiff"), hereby requests that the Clerk of the above-entitled
Court enter default in this matter against Defendant HIGH GROWTH MANAGEMENT, LTD
(hereinafter "Defendant") on the ground that said Defendant has failed to appear or otherwise

1 respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure and
2 as follows:

3 1. Plaintiff filed its complaint against Defendant for breach of partnership agreement
4 on August 29, 2007.

5 2. On September 18, 2007, Plaintiff served the complaint on Defendant, by personal
6 service.

7 3. A copy of the summons and proof of service was submitted to this court on
8 September 26, 2007.

9 4. The time for filing an answer or other response as to Defendant expired on
10 September 18, 2007.

11 5. Defendant has failed to appear or otherwise respond to the complaint within the
12 time prescribed by the Federal Rules of Civil Procedure.

13 6. Pursuant to Rule 55(a), because Plaintiff has filed a well-pleaded complaint and
14 because Defendant has failed to timely respond, "the clerk shall enter the party's default."


15 7. Pursuant to Federal Rule of Civil Procedure, Rule 55 (b)(1), the computation of
16 the sum of money owed is easily made as it is contractually based.

17 WHEREFORE, Plaintiff requests the Clerk of the Court enter the default of Defendant
18 HIGH GROWTH MANAGEMENT, LTD

19 Respectfully submitted,

20 Dated: October 12, 2007

COLEMAN & HOROWITT, LLP

21 By: 
22 CHRISTINE J. LEVIN
23 Attorneys for Plaintiff,

24 ///

25 ///

26 ///

27 ///

28 ///

1 Default entered on (specify date): _____
2
3

4 CLERK OF THE U.S. DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
6

7 By: _____
8 Deputy Clerk
9

10
11 Now, therefore, on request of counsel, the DEFAULT of the Defendant named below is
12 hereby entered:
13

14 Dated: _____
15

16 By: _____
17 Deputy Clerk
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DECLARATION OF CHRISTINE J. LEVIN

I, CHRISTINE J. LEVIN, declare as follows:

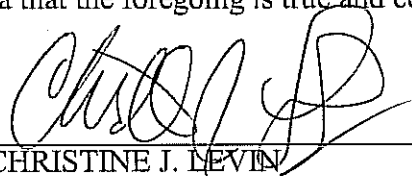
1. I am an attorney at law duly licensed to practice before United States of America and am an associate with the law firm of COLEMAN & HOROWITT, LLP, attorneys of record for Plaintiff, U.S. SMALL BUSINESS ADMINISTRATION, as Receiver for SAN JOAQUIN BUSINESS INVESTMENT GROUP, INC.

2. I have personal knowledge of the facts contained herein and if called upon as a witness, I could testify competently thereto.

3. This declaration is filed in support of Plaintiff's Request to Enter Default.

4. As of the date of the filing of this request, I have received no response to the complaint from Defendant.

Executed October 12, 2007, at Fresno, California. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


CHRISTINE J. LEVIN

PROOF OF SERVICE

I declare that I am a citizen of the United States and a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On October 12, 2007, I served the foregoing document(s) described as REQUEST TO ENTER DEFAULT on the interested parties, addressed as follows:

Jerald P. Shaevitz
24175 Dawnridge Dr.
Los Altos Hills, CA 94024

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☐ BY CALIFORNIA OVERNIGHT - by placing ☐ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

☐ BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

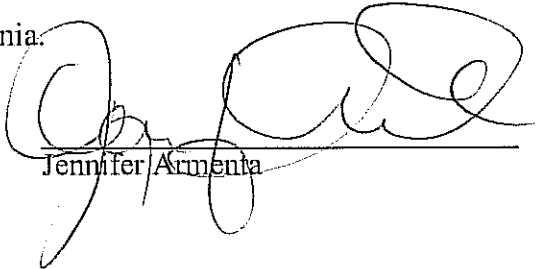
☐ BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated below.

Facsimile No.

☐ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on October 12, 2007, at Fresno, California.


Jennifer Armenta